



STATE OF ARIZONA

Application for Serial Number
Initiative Petition
A.R.S. § 19-111

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SECRETARY OF STATE

2017 SEP 25 AM 9:01

The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

☒ **Statutory Measure**

☐ **Constitutional Amendment**

Date of Application

09.25.2017

Signatures Required

150,642

Deadline for Filing

July 8, 2018

Serial Number Issued

I-14-2018

Bobcats, mountain lions, lynx, jaguars and ocelots, defined in this measure as "wild cats," have significant ecological value and these vulnerable animals should be shielded from trophy hunters looking to kill them for their heads or fur. This measure protects these species by prohibiting needless killing and injuring of wild cats by shooting, trapping, using packs of hounds, or other inhumane methods. The measure authorizes exceptions for killing wild cats that threaten personal safety, property, or livestock. The measure also allows for conservation activities by researchers, zoos, and rehabilitation facilities.

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Arizonans for Wildlife

Committee Name

201800281

Committee ID No.

Kellye Pinkleton

Chairperson

Cheryl Naumann

Treasurer

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By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:



That I have read and understand the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.



That at the time of filing, I was provided instructions regarding accurate completion of the electronic Statewide Initiative Petition form.

Kellye A. Pinkleton

Applicant Signature

9/25/17

Date

Be it enacted by the People of the State of Arizona:

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Section 1. Section 3-2401, Arizona Revised Statutes, is amended to read:

3-2401. Control of destructive animals and noxious rodents; agreements and cooperation with federal agencies; exception

A. The director shall cooperate with the animal and plant health inspection service of the United States department of agriculture in the control and destruction or relocation of predatory wildlife, reintroduced predatory wildlife, noxious rodents and related animals that are injurious to livestock, poultry, game, agriculture, other industries and the public health in accordance with organized and systematic plans of the animal and plant health inspection service. For such purposes, the director shall enter into written agreements with the animal and plant health inspection service regarding the methods and procedure to be followed, the extent of supervision to be exercised by the state and federal agencies, respectively, and the use and expenditure of state funds. The director, in cooperation with the animal and plant health inspection service, may also enter into cooperative agreements with other governmental agencies and counties of the state to promote the control and destruction of predatory wildlife, reintroduced predatory wildlife, noxious rodents and related animals.

B. The authority to destroy predatory wildlife, reintroduced predatory wildlife, noxious rodents and related animals does not include big game animals as defined in section 17-101, except:

1. Bear ~~and mountain lion~~ taken pursuant to section 17-302.
2. To protect public health and safety.

Sec. 2. Section 17-101, Arizona Revised Statutes, is amended to read:

17-101. Definitions

A. In this title, unless the context otherwise requires:

1. "Angling" means the taking of fish by one line and not to exceed two hooks, by one line and one artificial lure, which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.
2. "Bag limit" means the maximum limit, in number or amount, of wildlife that may lawfully be taken by any one person during a specified period of time.
3. "Closed season" means the time during which wildlife may not be lawfully taken.
4. "Commission" means the Arizona game and fish commission.
5. "Department" means the Arizona game and fish department.
6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other implement used for taking wildlife. Device does not include a raptor or any equipment used in the sport of falconry.
7. "Domicile" means a person's true, fixed and permanent home and principal residence. Proof of domicile in this state may be shown as prescribed by rule by the commission.
8. "Falconry" means the sport of hunting or taking quarry with a trained raptor.
9. "Fishing" means to lure, attract or pursue aquatic wildlife in such a manner that the wildlife may be captured or killed.

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10. "Fur dealer" means any person engaged in the business of buying for resale the raw pelts or furs of wild mammals.

11. "Guide" means a person who does any of the following:

(a) Advertises for guiding services.

(b) Holds himself out to the public for hire as a guide.

(c) Is employed by a commercial enterprise as a guide.

(d) Accepts compensation in any form commensurate with the market value in this state for guiding services in exchange for aiding, assisting, directing, leading or instructing a person in the field to locate and take wildlife.

(e) Is not a landowner or lessee who, without full fair market compensation, allows access to the landowner's or lessee's property and directs and advises a person in taking wildlife.

12. "License classification" means a type of license, permit, tag or stamp authorized under this title and prescribed by the commission by rule to take, handle or possess wildlife.

13. "License year" means the twelve-month period between January 1 and December 31, inclusive, or a different twelve-month period as prescribed by the commission by rule.

14. "Nonresident", for the purposes of applying for a license, permit, tag or stamp, means a citizen of the United States or an alien who is not a resident.

15. "Open season" means the time during which wildlife may be lawfully taken.

16. "Possession limit" means the maximum limit, in number or amount of wildlife, that may be possessed at one time by any one person.

17. "Resident", for the purposes of applying for a license, permit, tag or stamp, means a person who is:

(a) A member of the armed forces of the United States on active duty and who is stationed in:

(i) This state for a period of thirty days immediately preceding the date of applying for a license, permit, tag or stamp.

(ii) Another state or country but who lists this state as the person's home of record at the time of applying for a license, permit, tag or stamp.

(b) Domiciled in this state for six months immediately preceding the date of applying for a license, permit, tag or stamp and who does not claim residency privileges for any purpose in any other state or jurisdiction.

18. "Road" means any maintained right-of-way for public conveyance.

19. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.

20. "Take" means pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or the placing or using of any net or other device or trap in a manner that may result in the capturing or killing of wildlife.

21. "TAKE A WILD CAT" OR "TAKE OF A WILD CAT" MEANS PURSUING, SHOOTING, HUNTING, TRAPPING, CAPTURING, SNARING, OR NETTING A WILD CAT.

224. "Taxidermist" means any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen.

232. "Traps" or "trapping" means taking wildlife in any manner except with a gun or other implement in hand.

243. "Wild" means, in reference to mammals and birds, those species that are normally found in a state of nature.

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25. "WILD CAT" MEANS ANY LIVE BOBCAT, MOUNTAIN LION, JAGUAR, LYNX, OR OCELOT.

264. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn.

275. "Youth" means a person who is under eighteen years of age.

286. "Zoo" means a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans and soft-shelled turtles.

2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), ~~mountain-lion~~, tree squirrel and cottontail rabbit.

3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina) AND bear ~~and mountain-lion~~.

4. "Trophy" means:

(a) A mule deer buck with at least four points on one antler, not including the eye-guard point.

(b) A whitetail deer buck with at least three points on one antler, not including the eye-guard point.

(c) A bull elk with at least six points on one antler, including the eye-guard point and the brow tine point.

(d) A pronghorn (antelope) buck with at least one horn exceeding or equal to fourteen inches in total length.

(e) Any bighorn sheep.

(f) Any bison (buffalo).

5. Small game are cottontail rabbits, tree squirrels, upland game birds and migratory game birds.

6. Fur-bearing animals are muskrats, raccoons, otters, weasels, ~~bobcats~~, beavers, badgers and ringtail cats.

7. Predatory animals are foxes, skunks, AND coyotes ~~and bobcats~~.

8. Nongame animals are all wildlife except game mammals, game birds, fur-bearing animals, predatory animals and aquatic wildlife.

9. Upland game birds are quail, partridge, grouse and pheasants.

10. Migratory game birds are wild waterfowl, including ducks, geese and swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves and bandtail pigeons.

11. Nongame birds are all birds except upland game birds and migratory game birds.

12. Raptors are birds that are members of the order of falconiformes or strigiformes and include falcons, hawks, owls, eagles and other birds that the commission may classify as raptors.

13. Game fish are trout of all species, bass of all species, catfish of all species, sunfish of all species, northern pike, walleye and yellow perch.

14. Nongame fish are all the species of fish except game fish.

15. Trout means all species of the family salmonidae, including grayling.

Sec. 3. Section 17-309, Arizona Revised Statutes, is amended to read:

17-309. Violations; classification

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A. Unless otherwise prescribed by this title, it is unlawful for a person to:

1. Violate any provision of this title or any rule adopted pursuant to this title.
2. Take, possess, transport, release, buy, sell or offer or expose for sale wildlife except as expressly permitted by this title.
3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.
4. Discharge a firearm while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
5. Take a game bird, game mammal or game fish and knowingly permit an edible portion thereof to go to waste, except as provided in section 17-302.
6. Take big game, except bear or ~~mountain lion~~, with the aid of dogs.
7. Make more than one use of a shipping permit or coupon issued by the commission.
8. Obtain a license or take wildlife during the period for which the person's license has been revoked or suspended or the person has been denied a license.
9. Litter hunting and fishing areas while taking wildlife.
10. Take wildlife during the closed season.
11. Take wildlife in an area closed to the taking of that wildlife.
12. Take wildlife with an unlawful device.
13. Take wildlife by an unlawful method.
14. Take wildlife in excess of the bag limit.
15. Possess wildlife in excess of the possession limit.
16. Possess or transport any wildlife or parts of the wildlife that was unlawfully taken.
17. Possess or transport the carcass of big game without a valid tag being attached.
18. Use the edible parts of any game mammal or any part of any game bird or nongame bird as bait.
19. Possess or transport the carcass or parts of a carcass of any wildlife that cannot be identified as to species and legality.
20. Take game animals, game birds and game fish with an explosive compound, poison or any other deleterious substances.
21. Import into this state or export from this state the carcass or parts of a carcass of any wildlife unlawfully taken or possessed.

B. Unless a different or other penalty or punishment is specifically prescribed, a person who violates any provision of this title, or who violates or fails to comply with a lawful order or rule of the commission, is guilty of a class 2 misdemeanor.

C. A person who knowingly takes any big game during a closed season or who knowingly possesses, transports or buys any big game that was unlawfully taken during a closed season is guilty of a class 1 misdemeanor.

D. A person is guilty of a class 6 felony who knowingly:

1. Barter, sells or offers for sale any big game or parts of big game taken unlawfully.
2. Barter, sells or offers for sale any wildlife or parts of wildlife unlawfully taken during a closed season.
3. Barter, sells or offers for sale any wildlife or parts of wildlife imported or purchased in violation of this title or a lawful rule of the commission.
4. Assists another person for monetary gain with the unlawful taking of big game.
5. Takes or possesses wildlife while under permanent revocation under section 17-340, subsection B, paragraph 3.

E. A peace officer who knowingly fails to enforce a lawful rule of the commission or this title is guilty of a class 2 misdemeanor.

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Sec. 4. Title 17, Chapter 3, article 1, Arizona Revised Statutes, is amended by adding section 17-321, to read:

17-321. Hunting, trapping, and taking wild cats prohibited; exceptions

A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS UNLAWFUL FOR A PERSON TO HUNT, TRAP, OR OTHERWISE TAKE A WILD CAT.

B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO:

1. THE TAKE OF A WILD CAT BASED ON A GOOD FAITH BELIEF THAT THE TAKE OF THE WILD CAT WAS NECESSARY TO PROTECT A PERSON FROM IMMEDIATE BODILY HARM FROM THE WILD CAT, PROVIDED THAT:

(a) THE PERSON WHO COMMITTED THE TAKE SHALL NOTIFY THE DEPARTMENT WITHIN FIVE DAYS AFTER SUCH TAKE.

(b) NO WILD CAT OR PART OF THE ANIMAL TAKEN PURSUANT TO THIS SUBSECTION B(1) MAY BE RETAINED, SOLD OR REMOVED FROM THE SITE OF THE TAKE WITHOUT AUTHORIZATION FROM THE DEPARTMENT.

2. THE TAKE OF A WILD CAT BY A LAW ENFORCEMENT OFFICER OR LICENSED VETERINARIAN ACTING IN THE COURSE AND SCOPE OF OFFICIAL DUTY.

3. ACTIVITY THAT IS EXPRESSLY AUTHORIZED BY FEDERAL LAW.

4. THE TAKE OF A WILD CAT PURSUANT TO SECTIONS 3-2401 OR 3-2405 OF TITLE 3, OR SECTIONS 17-239 OR 17-302 OF THIS TITLE, RELATING TO DEPREDACTIONS; PROVIDED THAT NO SPECIAL SEASONS OR SPECIAL BAG LIMIT SHALL BE SET FOR A WILD CAT, AND PROVIDED THAT SUCH TAKE IS NOT OTHERWISE PROHIBITED BY FEDERAL LAW OR BY SECTIONS 17-320 OR 17-301 OF THIS TITLE.

5. THE TAKE OF A WILD CAT BY A PERSON HOLDING A SCIENTIFIC COLLECTING LICENSE ISSUED BY THE DEPARTMENT PURSUANT TO SECTION 17-238 OF THIS TITLE AND RULE 12-4-409 OF THE ARIZONA ADMINISTRATIVE CODE, OR BY AN EMPLOYEE OF THE DEPARTMENT DURING THE COURSE OF A SCIENTIFIC RESEARCH PROJECT; PROVIDED THAT SUCH TAKE IS NOT OTHERWISE PROHIBITED BY FEDERAL LAW OR BY SECTIONS 17-301(D) OR 17-320 OF THIS TITLE, AND PROVIDED THAT SUCH TAKE IS FOR THE PURPOSE OF PROMOTING THE HEALTH AND WELLBEING OF THE INDIVIDUAL ANIMAL OR FOR THE BENEFIT OF THE SPECIES.

6. THE TAKE OF A WILD CAT BY A PERSON HOLDING A WILDLIFE REHABILITATION LICENSE OR ZOO LICENSE, ISSUED BY THE DEPARTMENT PURSUANT TO SECTION 17-238 OF THIS TITLE AND RULE 12-4-409 OF THE ARIZONA ADMINISTRATIVE CODE; PROVIDED THAT SUCH TAKE IS NOT OTHERWISE PROHIBITED BY FEDERAL LAW OR BY SECTION 17-320 OF THIS TITLE, AND PROVIDED THAT SUCH TAKE IS FOR THE PURPOSE OF PROMOTING THE HEALTH AND WELLBEING OF THE INDIVIDUAL ANIMAL OR FOR THE BENEFIT OF THE SPECIES.

Sec. 5. Severability

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If a provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.